



LEGISLATIVE BRANCH CITY OF BINGHAMTON

Teri Rennia, City Council President
Angela Holmes, City Clerk

MINUTES
City Council Business Meeting
Council Chambers, 38 Hawley Street, Binghamton, N.Y.
Wednesday May 22, 2013

CALL TO ORDER

Called to order by Council President Rennia at 6:32pm.

PLEDGE OF ALLEGIANCE

Council President Rennia led the Pledge of Allegiance.

ROLL CALL

Present: Jerry Motsavage, Joseph Mihalko, Teri Rennia, Lea Webb, Chris Papastrat, Bill Berg

Absent: John Matzo

Also in attendance: Allison Sosa, 2nd Assistant Corporation Counsel; Angela Holmes, City Clerk; Jeremy Pelletier, Deputy City Clerk

REPORTS FROM COMMITTEES AND APPROVAL OF MINUTES

Motion to approve the minutes from the City Council Business Meeting held on May 8, 2013.

Moved by Motsavage, seconded by Berg.

Voice vote, none opposed.

Motion to approve the State Environmental Quality Review (SEQR) Negative Declaration Determination of Non-Significance for the reconstruction of the Ross Park Amphitheater.

Moved by Webb, seconded by Motsavage.

Voice vote, none opposed.

Motion to approve the minutes from the Employees Committee meeting held on May 14, 2013.

Moved by Berg, seconded by Mihalko.

Voice vote, none opposed.

Councilman Berg noted for the record that the Employees Committee will meet on Monday June 3, 2013 at 5:00pm to discuss potential amendments to residency requirements for City of Binghamton employees. This meeting will be held in the City Council Work Room, located through the City Clerk's Office on the first floor of City Hall, 38 Hawley Street, Binghamton, NY. For more information, individuals may contact the Office of the City Clerk by telephone at (607) 772-7005, or by email at clerk@cityofbinghamton.com.

Motion to approve the minutes from the Special Studies/Rules & Procedures Committee held on May 20, 2013.

Moved by Berg, seconded by Motsavage.

Voice vote, none opposed.

RECOGNITIONS AND ACKNOWLEDGEMENTS

A proclamation in honor of Martin Fallon, upon his retirement, was read into the record.



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PUBLIC HEARING

Introductory Resolution 13-48, Considered in Municipal & Public Affairs, Chair: Motsavage

A Resolution authorizing a noise variance for Zona & Co. Grille

Note: Notice of this public hearing was published in the Press & Sun Bulletin on May 17, 2013.

In Favor: Michael Tulsey

Opposed: John Solak, Robert Greene¹

¹*Note: Robert Greene submitted the following email to the City Clerk's Office on May 16, 2013. The original email is attached to these minutes.*

David,

I am in receipt of your letter dated 5-13-13 regarding Zona & Co. Grille wishing to be granted a noise variance for live music on your outdoor patio. You list several dates and corresponding times for this live music.

I wish all entrepreneurs much success in their ventures and am certainly respectful to an upstart restaurant and bar in the downtown area, but noise complaints from my hotel guests are one of the most significant challenges we have to manage here at the Holiday Inn Binghamton with its close proximity to the downtown bar district.

The hotel's position is that it is not OK to grant a noise variance as that will directly impact my guests in a negative manner. The hotel already struggles with complaints regarding noise and it wouldn't make sense for the hotel's position to be OK with new additional noise to disturb my guests.

I wish you and your partners much success in this new venture and judging by the activity in my parking lot you appear to be quite successful.

Thank you

Robert J. Greene
General Manager
Holiday Inn Binghamton-Downtown

SET PUBLIC HEARING

The City of Binghamton will hold a public hearing on Wednesday June 5, 2013 at 6:30pm regarding "An Ordinance Authorizing the Abandonment of 126 Eldridge Street (Liberty Street) as a Public Street". This public hearing will take place during the regularly scheduled City Council Business Meeting, located in the City Council Chambers, 38 Hawley Street, Binghamton, NY. For more information, individuals may contact the City Clerk by telephone at (607) 772-7005, or by email at clerk@cityofbinghamton.com.

PUBLIC COMMENT/COMMUNICATIONS

Dan Livingston, Sean Cummings, Mark Bowers, Carol Linskey, Sharon Nieminski, Stephen Schweitzer, John Solak, Robert Holahan, Lauren Tonti, Isaac Silberman-Gorn, Dick Andrus, Mary Webster, Amy Shapiro, Cecily O'Neil, Kathy Cronine, Nico Meyering, Melissa Mischke, Solvei Blue, Josh DeMarrie, David J. King¹, Renee DePrato², Michele Bleichert³



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¹*Note: David J. King submitted the following email to the City Clerk's Office on May 22, 2013. The original email is attached to these minutes.*

City Council Members,

Predictability of environment is both an intent, and an outcome of zoning in residential environments. The elimination of filth, stench, disease, and obnoxious noises has served to create safer, cleaner and more desirable urban living. Over the last century, this concept has led to the segregation of livestock from high-density living areas, to more appropriate agricultural zoning districts.

It is now being proposed that this arrangement be reversed, allowing certain livestock, composting of animal wastes and bedding, and urban farming within the city of Binghamton. Those who bought housing in residential areas are now potentially faced with the prospect of noxious odors, noise, and filth-laced runoff onto their properties. Residents currently living next to neighbors who are negligent in cleaning up after their dogs are well-acquainted with this situation, and can now look forward to potentially even worse living conditions.

Binghamton faces great challenges going forward into the future, but amending zoning standards in this way is not conducive to growth, quality-of-life, or prosperity. Such uses are more appropriate in a rural agricultural "hobby farm" environment, where lots are wide and people are few. I would encourage you to reconsider the wisdom of the proposed changes this evening. Thank you for your consideration.

Sincerely,

David J. King

²*Note: Renee DePrato submitted the following email to Councilman Motsavage on May 16, 2013, who forwarded the communication to the City Clerk's Office. The original email is attached to these minutes.*

Dear Mr. Motsavage,

I respectfully request that my letter be read into the public record.

It's come to my attention that there is new legislation being considered by City Council. I'm writing to tell you that I fully support the Community Food System Proposal. In addition, I ask that the Council reschedule the public hearing that was cancelled where this legislation would have been discussed.

I've spent my entire childhood in Binghamton and my family was one of many who kept an extensive home garden. My family certainly depended on that food to get us through tough times. Today's residents deserve the same opportunity to grow their own food to feed their families. For those who don't possess those gardening skills, community markets can fill that gap. We need this legislation to have it on record what is and is not allowed.

Thank you for your time,

Renee DePrato
16 Seymour Street



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Binghamton, NY

³*Note: Michele Bleichert submitted the following email to the City Clerk's Office on May 22, 2013. The original email is attached to these minutes.*

Dear Ms. Holmes,

I am writing this letter to personally express my support for the Community Food Systems Legislation. The choices we make about the foods we eat have far-reaching economical, environmental, health and social impacts. More and more, people are choosing foods made closer to home because they want to know where their food is coming from, how it was grown, who grew it, and want to support the farms and families who live and work in our community. For the same reasons, more people are trying their hand at growing their own foods.

There are many benefits to the urban agriculture movement when coupled with the common sense regulations and limitations proposed. This nascent movement will create a need for more products and equipment. Composting will reduce the burden on waste disposal costs. Farmers' Markets will increase access to healthy nutritious foods for residents of all incomes. Community gardens do just that, create a sense of community and a connection to the environment. Vacant lots are turned into productive gardens. What was once a blight is transformed into something beautiful.

Every day we hear from our customers how they love when they know where their food is coming from and how buying local supports their community. The Community Food Systems Legislation is just another way the City of Binghamton can celebrate this region's rich history of agriculture and be a leader in the locavore movement.

Thank you for your time.

Respectfully,

Michele Bleichert
Water Street Brewing Co.
168 Water Street
Binghamton, NY 13901

FIRST READING LEGISLATION

Introductory Ordinance 13-36, Considered in Finance, Chair: Webb

An Ordinance authorizing the transfer of CDBG funds as part of a multi-year financial review and reconciliation Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-35. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Absent: Matzo

Introductory Ordinance 13-37, Considered in Finance, Chair: Webb

An Ordinance authorizing a transfer of up to \$30,000 from budget line A1990.55003 (DPW Contingency) to budget line



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A8664.51000 (Code Enforcement Personal Services) to hire a code enforcement officer in 2013 at an annual salary not to exceed \$33,994, together with benefits

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-36. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Absent: Matzo

Introductory Ordinance 13-38, Considered in Planning & Community Development, Chair: Webb

An Ordinance authorizing various amendments to Chapter 410, regarding off-street parking and procedures for public hearings and appeals

1. Motion to approve legislation.
Moved by Webb, seconded by Berg.
2. Motion to declare City Council as lead agency.
Moved by Motsavage, seconded by Berg.
Voice vote, none opposed.
3. Motion to approve Introductory Ordinance 13-38 as an unlisted action.
Moved by Motsavage, seconded by Berg.
Voice vote, none opposed.
4. Motion to approve a State Environmental Quality Review (SEQR) Negative Declaration Determination of Non-Significance for amendments to the Zoning Ordinance regarding regulations for off-street parking and procedures for public hearings and appeals.
Moved by Motsavage, seconded by Berg.
Voice vote, none opposed.
5. Motion to refer this matter to the Planning Commission.
Moved by Webb, seconded by Motsavage.
Voice vote, none opposed. Item referred to the Planning Commission.

Introductory Ordinance 13-39, Considered in Planning & Community Development, Chair: Webb

An Ordinance approving the sale of Restore NY properties as part of the One Dollar Healthy Home Initiative

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-37. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Absent: Matzo

Introductory Ordinance 13-40, Considered in Planning & Community Development, Chair: Webb

An Ordinance authorizing the sale of Park Lane, a paper street, to Thomas Curley and Bonnie Curley for \$1,000



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1. Motion to approve legislation.
Moved by Webb, seconded by Motsavage.
2. Motion to declare City Council as lead agency.
Moved by Motsavage, seconded by Berg.
Voice vote, none opposed.
3. Motion to declare Introductory Ordinance 13-40 an unlisted action.
Moved by Motsavage, seconded by Berg.
Voice vote, none opposed.
4. Motion to approve a State Environmental Quality Review (SEQR) Negative Declaration Determination of Non-Significance for the sale of Park Lane, a former Department of Public Works garage site.
Moved by Motsavage, seconded by Berg.
Voice vote, none opposed.
5. Motion to approve legislation.
Moved by Webb, seconded by Motsavage.
Motion carried. Legislation adopted as Permanent Ordinance 13-38. (Vote 6-0-1)
Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg
Nays: None
Absent: Matzo

Introductory Ordinance 13-41, Considered in Finance, Chair: Webb

An Ordinance extending the Code of the City of Binghamton Section 124-17, Annual Leave, through December 31, 2013

Motion to approve legislation. Moved by Berg, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Ordinance 13-39. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Absent: Matzo

Introductory Resolution 13-46, Considered in Finance, Chair: Webb

A Resolution authorizing an amendment to Permanent Resolution 13-42 to increase Emergency Shelter Grant funding for Volunteers of America to a total of \$101,165

Motion to approve legislation. Moved by Webb, seconded by Motsavage.

Motion carried. Legislation adopted as Permanent Resolution 13-46. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Absent: Matzo

Introductory Resolution 13-47, Considered in Finance, Chair: Webb

A Resolution authorizing an amendment to Permanent Resolution 13-41 to increase Emergency Shelter Grant funding for YWCA of Binghamton/Broome County to a total of \$47,763

Motion to approve legislation. Moved by Webb, seconded by Motsavage.



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Motion carried. Legislation adopted as Permanent Resolution 13-47. (Vote 6-0-1)

Ayes: Motsavage, Mihalko, Rennia, Webb, Papastrat, Berg

Nays: None

Absent: Matzo

Introductory Resolution 13-48, Considered in Municipal & Public Affairs, Chair: Motsavage

A Resolution authorizing a noise variance for Zona & Co. Grille

1. Motion to approve legislation.
Moved by Motsavage, seconded by Webb.
2. Motion to hold Introductory Resolution 13-48 until the Business Meeting held on June 5, 2013.
Moved by Motsavage, seconded by Webb.
Item held.

COMMUNICATIONS FROM COUNCIL MEMBERS

Papastrat, Berg, Motsavage, Mihalko, Webb, Rennia

ADJOURNMENT

Motion to adjourn at 8:31pm.

Moved by Webb, seconded by Motsavage.

Voice vote, none opposed.